

CIVIL NO. 2:09CV18

Defendants.

ORDER

Default judgments are entered after a party has been declared in default. **See Fed. R. Civ. P. 55.** No entry of default appears of record. Nor has Plaintiff shown by affidavit or otherwise that these Defendants have been duly served with the summons and complaint, and that after such service of process, they have failed to plead or otherwise respond to

the Plaintiff's complaint herein. It, therefore, appears the motion for default judgment is premature.

IT IS, THEREFORE, ORDERED that the Plaintiff's motion for default judgment is **DENIED** without prejudice.

Signed: May 14, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

